

IC 23-14-55

Chapter 55. Authorization for Interment, Entombment, or Inurnment

IC 23-14-55-1

Warranty and liability of individual signing authorization

23-14-55-1 Sec. 1. An individual who signs an authorization for the interment, entombment, or inurnment of any human remains:

(1) is considered to warrant the truthfulness of:

- (A) any fact set forth in the authorization;
- (B) the identity of the person for whose remains interment, entombment, or inurnment is sought; and
- (C) the individual's authority to order the interment, entombment, or inurnment; and

(2) is personally and individually liable to pay damages in compensation for harm that:

- (A) is caused by; or
- (B) results from;

the signing of the authorization for interment, entombment, or inurnment.

As added by P.L.52-1997, SEC.29.

IC 23-14-55-2

Authority and liability of cemetery owner upon receipt of written authorization

23-14-55-2 Sec. 2. (a) The owner of a cemetery is authorized to inter, entomb, or inurn the body or cremated remains of a deceased human upon the receipt of a written authorization of an individual who professes:

(1) to be (in the priority listed) the:

- (A) surviving spouse; or
- (B) surviving child, parent, or next of kin;

of the decedent; or

(2) to have acquired the right to control the disposition of the deceased human body or cremated remains;

but only if all other individuals of the same priority or a higher priority (according to the priority listing in this subsection) are deceased or are physically or mentally incapacitated from exercising the authorization, and the incapacity is certified to by a qualified medical doctor.

(b) A cemetery owner is not liable in any action for making an interment, entombment, or inurnment under a written authorization described in subsection (a) unless the cemetery owner had actual notice that the representation made under subsection (a) by the individual who issued the written authorization was untrue.

(c) An action may not be brought against the owner of a cemetery relating to the remains of a human that have been left in the possession of the cemetery owner without permanent interment, entombment, or inurnment for a period of three (3) years, unless the cemetery owner has entered into a written contract for the care of the

remains.

As added by P.L.52-1997, SEC.29.